

Date: _____

Signature: _____

RECEIVED ABOVE MATERIALS THIS DAY OF , 2011.

U.S. Probation Office, Burlington, VT
David J. Williams, Esq., Burlington, VT
Paul J. Van de Graaf, AUSA, Burlington
Copy to:

Operations Supervisor
BY: *Jeffrey S. Eaton*
Clerk of Court
Jeffrey S. Eaton

Sincerely,

Please acknowledge receipt on the copy of this letter provided.

Probation Form 22 - Transfer of Jurisdiction (original enclosed).
Entries for the above cited case which has been transferred to your district pursuant to the filed
Enclosed are certified copies of the Indictment, Plea Agreement, Judgment, and docket

Dear Clerk of Court:

Your Docket No. 11-cr-568
Our Docket No. 2:02-cr-34-1

Re: USA v. Balandra, Henry M.
Brooklyn, NY 11201
225 Cadman Plaza East
Eastern District of New York
United States District Court
Robert C. Heimann, Clerk of Court
U.S. DISTRICT COURT, E.D.N.Y.
IN CLERKS OFFICE
FILED
★ ALG 3 0 2011 ★

August 29, 2011

CLERK
JEFFREY S. EATON
UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
BURLINGTON 05402-0945
P.O. BOX 945
(802) 951-6301
BURLINGTON 05402-0998
P.O. BOX 998
(802) 254-0250
BURLINGTON 05302-0998
P.O. BOX 607
(802) 773-0245
BURLINGTON 05702-0607
 FEDERAL BUILDING
DISTRICT OF VERMONT
 P.O. BOX 998
BURLINGTON, VERMONT 05402-0945
FEDERAL BUILDING
DISTRICT OF VERMONT
 P.O. BOX 607
BURLINGTON 05402-0945
(802) 951-6301
P.O. BOX 945
BURLINGTON 05402-0945
(802) 773-0245

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Trans. Court) 2:02-34-01
TRANSFER OF JURISDICTION		
		CR-11 0568
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: Henry Balandra Eastern District of New York		DISTRICT DISTRICT OF VERMONT
		DIVISION Burlington
NAME OF SENTENCING JUDGE The Hon. William K. Sessions III		
DATES OF PROBATION/SUPERVISED RELEASE:		FROM January 28, 2011
		TO January 27, 2014
OFFENSE Distribution of Cocaine, 21 U.S.C. 841(a)(1), (b)(1)(C) Use of a Firearm in a Drug Trafficking Crime, 18 U.S.C. 924(c)(1)(A)(i)		BY CLERK DISTRIBUTOR 2011 AUG 26 PM GARAUFI
PART 1 - ORDER TRANSFERRING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE " <u>DISTRICT OF VERMONT</u> "		
<p>IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Eastern District of New York upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*</p> <p><u>8/26/11</u> Date</p> <p><u>WJS</u> United States District Judge</p>		
*This sentence may be deleted in the discretion of the transferring Court.		
PART 2 - ORDER ACCEPTING JURISDICTION		
UNITED STATES DISTRICT COURT FOR THE Eastern District of New York		
<p>IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.</p> <p><u>8/26/11</u> Effective Date</p> <p><u>s/Nicholas G. Garguifis</u> United States District Judge</p>		

A TRUE COPY	
ATTEST 8/26/11	
DATE.....	ROBERT C. HEINEMANN
CLERK	
BY.....	J.J.
DEPUTY CLERK	

Imprisomnement for a term of 45 months on Ct.2 and
60 months on Ct.3 consecutive for a total term of
105 months; to be served concurrently to
undischarged state sentence; to be followed by 3
years/S/R with conditions including: no
firearms/weapons; participation in a substance
abuse program with testing, costs &no alcohol.
(3) during trafficking

Highest Offense Level (Offense)

CRIME/DRUGS/MACHINE GUN -
possessed firearms in furtherance of
VIOLENCE
18:841(c)(1)(A); 21:841(a); 18:2.F

DISTRIBUTION OF COCAINE W/INTENT TO
POSSESSION OF COCAINE W/INTENT TO
NARCOTICS - SELL,
DISTRIBUTION OF COCAINE W/INTENT TO
POSSESSION OF COCAINE W/INTENT TO
(2) DISTRIBUTION OF COCAINE W/INTENT TO
POSSESSION OF COCAINE W/INTENT TO

Pending Counts

Disposition

Designation: *CJA Appointment*
ATTORNEY TO BE NOTICED
LEAD ATTORNEY
Email: dwilliams@arvismcarthur.com
Fax: 802-658-3551
(802) 658-9411
Building, VT 05402-0902
P.O. Box 902
95 St. Paul Street, Suite 2E
Jarus, MacArthur & Williams, LLC
David J. Williams, Esq.

Designation: *Public Defender or Community
Defender Appointment*
ATTORNEY TO BE NOTICED
LEAD ATTORNEY
TERMINATED: 04/30/2002
Email: sarah_desai@fd.or
(802) 862-6990
Building, VT 05401
126 College Street, Suite 410
District of Vermont
Office of the Federal Public Defender

represented by **FPPD**

TERMINATED: 04/08/2003
Henry M. Balandra

Assigned to: Judge William K.
Sessions III

Date Filed: 03/28/2002
Date Terminated: 04/08/2003

Case title: United States of America v. Balandra
Magistrate Judge case number: 2:02-mj-00001

CRIMINAL DOCKET FOR CASE #: 2:02-cr-00034-wks All Defendants
District of Vermont (Burlington)
U.S. District Court

CERTIFIED COPY

Date Filed	#	Docket Text
01/16/2002		ARREST WARRANT ISSUED for Henry M Balantra by Magistrate Judge Jerome J. Niedermeyer [2:02-m-1] (JWW) (Entered: 01/17/2002)
01/17/2002	1	COMPLAINT against Henry M Balantra by USA Carol L. Shea [2:02-m-1] (JWW) (Entered: 01/17/2002)

Thomas D. Anderson, Esq.
Office of the United States Attorney
District of Columbia
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Email: thomas.anderson@usdoj.gov
TERMINATED: 08/26/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Paul J. Van de Graaf, USA
United States Attorney's Office
District of Vermont
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Email: paul.vande.graaf@usdoj.gov
ATTORNEY TO BE NOTICED
Paul J. Van de Graaf, Esq.
District of Vermont
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725
Email: paul.vande.graaf@usdoj.gov

ATTORNEY TO BE NOTICED
LEAD ATTORNEY
TERMINATED: 10/17/2002
Email: carol.sheehan@usdoj.gov
Fax: (802) 951-6540
(802) 951-6725
Burlington, VT 05402-0570
P.O. Box 570
District of Vermont
United States Attorney's Office
Carol L. Sheehan
represented by

United States of America

Figure 8

21:841(a)(1), (b)(1)(B); 18:2=ND.F
NARCOTICS - SEL,
DISTRIBUTION, OR DISPENSE -
possession cocaine base w/intent
Dismisse^d upon motion by govt.
(1)
distributive
18:922(g)(9)F UNLAWFUL
TRANSPORT OF FIREARMS, ETC.
Dismissed upon motion by govt.

03/28/2002		RECORD OF GRAND JURORS CONCURRING (law) (Entered: 03/28/2002)
03/28/2002	2	INDICTMENT by USA Counts filed against Henry M Balandra (1) Count(s) 1, 2, 3, 4; Cy to USAO, USPO (law) (Entered: 03/28/2002)
03/28/2002	3	NOTICE OF HEARING ; arraignment set for 11:00 4/30/02 for Henry M Balandra Cy to affected parties, USPO (jiii) (Entered: 04/08/2002)
04/15/2002		WRT OF HABEAS CORPUS AND PROSECUNDUM ISSUED to USM as to Henry M Balandra (jisd) (Entered: 04/15/2002)
04/26/2002	4	ORDER OF APPOINTMENT as to Henry M Balandra Attorney FPD (jiii) (Entered: 04/26/2002)
04/29/2002	5	MOTION for detention by USA as to Henry M Balandra (jisd) (Entered: 04/29/2002)
04/30/2002	6	MOTION to dismiss complaint without pre-judice by USA as to Henry M Balandra (jisd) (Entered: 04/30/2002)
04/30/2002		MINTUES; before Magistrate Judge Jerome J. Niedermeyer (CT Rpt.; taped) initial appearance of Henry M Balandra Attorney Barbara O'Connor, AFPPD present; Carol Shea, USA present for Govt. Arraignment held on 4/30/02, aft Henry M Balandra arraigned; not guilty plea entered. Govt moves for detention; no opposition by deft. ORDERED: Deft to be detained pending trial (jiii) (Entered: 04/30/2002)
04/30/2002	7	CJA FORM 23 (Financial Affidavit) as to Henry M Balandra (jiii) (Entered: 04/30/2002)
05/01/2002	9	DETENTION ORDER granting [6-1] motion to dismiss complaint without pre-judice (Judge William K. Sessions III) Cy to parties (See referenced doc. for image) (jisd) (Entered: 05/01/2002)
05/07/2002		ENDORSED ORDER granting [6-1] motion to dismiss complaint without pre-judice (Judge William K. Sessions III) Cy to parties (See referenced doc. for image) (jisd) (Entered: 05/07/2002)
05/08/2002	10	ARREST WARRANT RETURNED EXECUTED as to defendant Henry M Balandra ; defendant arrested on 4/30/02 (law) (Entered: 05/09/2002)
05/21/2002	11	MOTION to continue motions deadline by Henry M Balandra (jisd) (Entered: 05/21/2002)
05/23/2002	12	ORDER by Judge William K. Sessions III granting [11-1] motion to continue motions deadline ; pretrial motions due 7/24/02 for Henry M Balandra , motions deadlines on 5/23/02 , excluded from 7/24/02 to 8/24/02 (cc: all counsel) (jisd) (Entered: 05/23/2002)
07/10/2002	13	MOTION to continue motions deadline by Henry M Balandra (jisd) (Entered: 07/10/2002)
07/22/2002	14	ORDER by Chief Judge William K. Sessions III granting [13-1] motion to continue motions deadline ; pretrial motions due 8/24/02 to 8/24/02 (cc: all counsel) (jisd) (Entered: 07/22/2002)
08/23/2002	15	MOTION to continue motions deadline by Henry M Balandra (jisd) (Entered: 08/23/2002)

08/28/2002	16	NOTICE OF HEARING; Jury draw as the No.4 criminal case set for 1:00 10/8/02 for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 08/28/2002)
08/29/2002	18	AMENDED ORDER Jury draw set for 1:00 10/8/02 as No. 4 case for Henry M Balandra vort dire etc due by 10/1/02 change of pleia by 10/4/02 Cy to affecte ^d parties (psd) (Entered: 08/29/2002)
09/25/2002	19	UNOPPOSED MOTION to Continue Jury Draw by USA as to Henry M Balandra (law) (Entered: 09/25/2002)
09/27/2002	20	ORDER Jury draw set for 1:00 11/6/02 for Henry M Balandra as No. 5 case vort dire etc due by 10/30/02 change of pleia by 11/1/02 Cy to affecte ^d parties (psd) (Entered: 09/27/2002)
09/30/2002	22	REVISED NOTICE OF HEARING; Jury draw set for 1:00 11/6/02 for Henry M Balandra as the No.5 criminal case for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 09/30/2002)
10/10/2002	23	REVISED NOTICE OF HEARING; Jury draw set for 9:30 11/6/02 as the No.5 criminal case for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 10/10/2002)
10/16/2002	24	NOTICE OF HEARING; pretrial conference and/or change of pleia set for 10:30 10/31/02 for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 10/16/2002)
10/31/2002	25	PLA AGREEMENT as to Henry M Balandra (jam) (Entered: 10/31/2002)
10/31/2002	26	NOTICE OF HEARING; sentencing set for 2:30 10/27/03 for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 10/31/2002)
11/01/2002	27	PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 2:30 1/27/03 for Henry M Balandra (Cy to affecte ^d parties) (psd) (Entered: 11/01/2002)
12/04/2002	28	EX PARTE MOTION SEALED by USA as to Henry M Balandra (law) (Entered: 12/04/2002)
12/05/2002	29	ORDER by Chief Judge William K. Sessions III granting [28-1] motion SEALED (cc: movant only) (law) (Entered: 12/05/2002)
01/17/2003	30	REVISED NOTICE OF HEARING; sentencing hearing set for 2:30 3/5/03 for Henry M Balandra Cy to affecte ^d parties, USPO (jam) (Entered: 01/17/2003)
01/17/2003	31	AMENDED PROCEDURAL ORDER SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing set for 2:30 3/5/03 for Henry M Balandra (Cy to affecte ^d parties, USPO (jam) (Entered: 01/17/2003)

01/29/2003	32	TRANSCRIPT of Change of Plea held 10/31/02 as to dt Henry M Balandra (law) (Entered: 01/30/2003)	
02/26/2003	33	MOTION to Continue Sentencing Hearing by Henry M Balandra (law) (Entered: 02/26/2003)	
02/28/2003	34	2ND REVISED NOTICE OF HEARING ; sentencing hearing set for 2:30 4/8/03 for Henry M Balandra Cy to affected parties (See Sessions III motion to Continue Sentencing Hearing (Entered: 02/28/2003)) (jse) (Entered: 02/28/2003)	
03/03/2003	35	AMENDED PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing hearing set for 2:30 4/8/03 for Henry M Balandra (Cy to affected parties) (See Sessions III motion to Continue Sentencing Hearing (Entered: 03/03/2003)) (jse) (Entered: 03/03/2003)	
04/02/2003	36	MOTION to Continue Sentencing Hearing by Henry M Balandra (law) (Entered: 03/31/2003)	
04/02/2003	37	3RD REVISED NOTICE OF HEARING ; sentencing hearing set for 10:30 4/7/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 04/03/2003)	
04/03/2003	38	PROCEDURAL AND SCHEDULING ORDER by Chief Judge William K. Sessions III sentencing hearing set for 10:30 4/7/03 for Henry M Balandra (Cy to affected parties) (See Sessions III motion to Continue Sentencing Hearing (Entered: 04/03/2003)) (jse) (Entered: 04/03/2003)	
04/07/2003	40	MOTION to Strike References to testimony of Mercedes Balandra in paragraphs 12 and 16 of PSR and the four point sentencing enhancement based on that testimony by Henry M Balandra (jse) (Entered: 04/07/2003)	
04/07/2003	41	4TH REVISED NOTICE OF HEARING ; sentencing hearing set for 9:30 4/8/03 for Henry M Balandra Cy to affected parties, USPO (jam) (Entered: 04/07/2003)	
04/07/2003	42	MOTION for downward departure by USA as to Henry M Balandra NEXT SENTENCING PART OF SAME DOCUMENT (jse) (Entered: 04/07/2003)	
04/07/2003	42	ENTRY PART OF SAME DOCUMENT as to Henry M Balandra by USA (PREVIOUS SENTENCING PART OF SAME DOCUMENT) (jse) (Entered: 04/07/2003)	
04/08/2003	MINUTES: before Chief Judge William K. Sessions III (Ct Rpt: Nichols)	sentencing hearing held on 4/8/03 as to dt Balandra. Dft present with counsel David Williams; Thomas Anderson present for govt. Dft present with counsel Outstanding issues downward departure. Statements by dt prior to imposition of sentence. Court makes findings; upon agreement of the parties, granting govt's motion for downward departure, denying motion to strike references to testimony of Mercedes Balandra in paragraphs 12 and 16 of PSR and the four point sentencing enhancement based on that testimony [40-1]. SENTENCE: sentencing Henry M Balandra (1) count(s) 2, 3. Impersonation for a total term of 45 months on Ct.2 and 60 months on Ct.3 consecutive for a total term of 105 months; to be served concurrent to undischarged state sentence; to be followed by 3 years/S/R with conditions including: no firearms/weapons; participation in a substance abuse program with testing, costs & no alcohol. Fines wvd; S/A of \$200 due immediately.	
04/08/2003	43	JUDGMENT AND CREDIT as to Henry M Balandra terminating party Henry M Balandra, case remanded by Chief Judge William K. Sessions III (cc: all counts, USPO & USM) (jam) (Entered: 04/09/2003)	

Deputy Clerk
Hector M. Blandra
Clerk, U.S. District Court
District of Vermont
Jeffrey S. Eaton

Copy of the original on file in my office, and in my
legal custody.
The foregoing document is a full, true and correct
copy of the original on file in my office, and in my
legal custody.

I hereby attest and certify on
August 29, 2011.

12/30/2003	44	WRT OF HABEAS CORPUS AD PROSEQUENDUM RETURND EXECUTED	on 04/30/02 as to Henry M Blandra (law) (Entered: 12/31/2003)
08/26/2011	45	ATTORNEY SUBSTITUTION AS TO HENRY M BLANDRA. ATTORNEY PAUL J. VAN DE GRAY, USA FOR UNITED STATES OF AMERICA ADDED. ATTORNEY THOMAS D. ANDERSON, ESG CERTIFIED COPIES OF INDICTMENT, TRANSFERRED AGREEMENT, JUDGMENT AND DOCKET SHEET, WITH NEW YORK AS TO HENRY M BLANDRA. TRANSFERRED TO EASTERN DISTRICT OF NEW YORK FORM, WITH CERTIFIED COPIES OF INDICTMENT, AGREEMENT, JUDGMENT AND DOCKET SHEET.	TERMINATED. (law) (Entered: 08/29/2011)
08/26/2011		PROBATION FORM 22 - PROBATION JURISDICTION TRANSFERRED TO EASTERN DISTRICT OF NEW YORK AS TO HENRY M BLANDRA. TRANSFERRED TO EASTERN DISTRICT OF NEW YORK (Dated 8/29/2011) (law)	(Entered: 08/29/2011)

DATE: 4-8-03 Deputy Clerk

JUDGMENT IN A CRIMINAL CASE

District of Vermont

U.S. DISTRICT COURT

JEFFREY S. EATON
Clerk, U.S. District Court
District of Vermont

Copy of the original document is a full, true and correct copy of the original document on file in my office, and in my legal custody.

Date 4-8-03

Name and Title of Judicial Officer William K. Sessions III, Child Abuse Specialist and Family Court Judge

Signature of Judicial Officer

Date of Preparation of Judgment April 8, 2003

Defendant's Mailing Address: _____
SAME _____

Bart, Vermont _____

Defendant's Residence Address: _____
Defendant's USM No.: 04996-082

Defendant's Date of Birth: January 7, 1975

Defendant's Soc. Sec. No.: 157-76-6845

IT IS ORDERED that the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to reside, the defendant shall notify the court and United States attorney for this district within 30 days of any change of residence.

Counts(s) 1 & 4 is X are dismissed on the motion of the United States.

The defendant has been found guilty on count(s) _____

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

THE SECOND	Nature of Offense	Date Offense	Count
21USC§841(a)(1); 18:2	Distribution of cocaine.	06/13/2001	3
21USC§841(c)(1)(A)	Use of a firearm in a drug trafficking crime under 21:841(a).	06/13/2001	2

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

pleaded guilty to count(s) 2 & 3
 was found guilty on count(s) _____
 which was accepted by the court.
 pleaded no contest to count(s) _____
 after a plea of not guilty.

THE DEFENDANT:

Defendant's Attorney
David Williams, Esq.

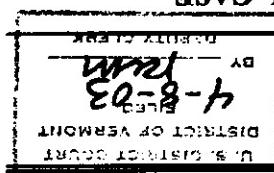
HENRY M. BALANDRA

Case Number: 2:02-CR-34-01

(For Offenses Committed On or After November 1, 1987)
JUDGMENT IN A CRIMINAL CASE

UNITED STATES OF AMERICA

v.



UNITED STATES DISTRICT COURT

District of Vermont

DEPUTY UNITED STATES MARSHAL

By _____

UNITED STATES MARSHAL

, with a certified copy of this judgment.

to _____

Defendant delivered on _____

at _____

I have executed this judgment as follows:

RETURN

- as notified by the Probation or Pretrial Services Office.
 as notified by the United States Marshal.
 before 2 p.m. on _____
 The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons;
 as notified by the United States Marshal.
 at _____ a.m. p.m. on _____
 The defendant shall surrender to the United States Marshal for this district;
 The defendant is remanded to the custody of the United States Marshal
X

The court makes the following recommendations to the Bureau of Prisons:
that this defendant be allowed to participate in the 500 hour drug and alcohol rehabilitation program offered and that he placed in a facility as close to residence as possible.
Further, that this defendant participate in vocational training and educational programs offered and that he

total term of 105 months.
The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total of 45 months on Count 2 and 60 months on Count 3 consecutive. Concurrent to undischarged state sentence.

IMPRISONMENT

DEFENDANT: HENRY M. BALANDRA CASE NUMBER: 2:02-CR-34-01
AO 24SB (Rev. 3/01) Judgment in Criminal Cases
Sheet 2 - Imprisonment
JUDGMENT - Page 2 of 6

- 13) defendant's compliance with such notification requirement.
- 12) record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's shall notify third parties of risks that may be occasioned by the defendant's continuing permission of the court;
- 11) the defendant shall notify the probation officer within seven-tenths hours of being arrested or questioned by a law enforcement agency without the defendant observing in plain view of the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit continuation of a relationship, unless granted permission to do so by the probation officer;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 8) the defendant places where controlled substances are illegally sold, used, distributed, or administered;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment, acceptable reasons;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other dependable reasons;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days each month;
- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall comply with the additional conditions on the attached page.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

- X The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.
- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.
- The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 day of release from imprisonment and at least two periodic drug tests thereafter.
- For offenses committed on or after September 13, 1994:
- The defendant shall not commit another federal, state or local crime.
- The defendant shall not commit a local offense.
- The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

Upon release from imprisonment, the defendant shall be on supervised release for a term 3 years

SUPERVISED RELEASE

DEFENDANT:	HENRY M. BALANDRA	CASE NUMBER:	2:02-CR-34-01
AO 245B (Rev. 3/01) Judgment in a Criminal Case Sheet 3 — Supervised Release			
JUDGMENT—Page 3 of 6			

The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol based on ability to pay or the availability of third party payment. The defendant shall refrain from the use of other intoxicants during and after treatment.

SPECIAL CONDITIONS OF SUPERVISION

Judgment—Page 4 of 6

DEFENDANT: HENRY M. BALANDRA CASE NUMBER: 2:02-CR-34-01

AO 245B (Rev. 3/01) Judgment in a Criminal Case
Sheet 3C — Supervised Release

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

- the interest requirement for the fine and/or restitution is modified as follows:
- the interest requirement is waived for the fine and/or restitution.
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that the defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(g). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- If applicable, restitution amount ordered pursuant to plea agreement § _____ \$ _____

TOTALS

\$

Priority Order	#Total	Amount of Loss	Amount of Restitution Ordered	Name of Payee or Payee
or Percentage of Payment				

If the defendant makes a partial payment each payee shall receive an approximately proportioned payment, unless specified otherwise, in full prior to the United States receiving payment.

- The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.
- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

Assessment	Fine	Restitution	TOTALS
\$ 200	\$	\$	

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

CRIMINAL MONETARY PENALTIES

DEFENDANT:	JUDGMENT - Page	of	6
HENRY M. BALANDRA	2:02-CR-34-01		
CASE NUMBER:			

AO 245B (Rev. 3/01) Judgment in a Criminal Case
Sheet 3 — Criminal Monetary Penalties

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

- The defendant shall forfeit the defendant's interest in the following property to the United States:
- The defendant shall pay the following court cost(s):
- The defendant shall pay the cost of prosecution.

Defendant Name, Case Number, and Joint and Several Amount:

- Joint and Several

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, all criminal monetary penalties, except those payments made to the court, the probation officer, or the United States attorney, by the court, the Federal Bureau of Prisons, or the clerk of the court, unless otherwise directed or criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made to the court, the Federal Bureau of Prisons, or the clerk of the court, the probation officer, or the United States attorney, by the court, the Federal Bureau of Prisons, or the clerk of the court, unless otherwise directed

- E Special instructions regarding the payment of criminal monetary penalties:
- D Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment, or term of supervision, or
- C Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment, or
- B Payment to begin immediately (may be combined with C, D, or E below); or
- A in accordance with C, D, or E below; or
- not later than _____ due immediately, balance due _____

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

SCHEDULE OF PAYMENTS

DEFENDANT:	HENRY M. BALANDRA	CASE NUMBER:	2:02-CR-34-01
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AO 245B (Rev. 3/01) Judgment in a Criminal Case
Sheet 6 - Criminal Monetary Penalties

- \$1,000,000 fine, pursuant to Title 21, United States Code, Section 841(b)(1)(C); and a \$100 three year period of supervised release, pursuant to 21 U.S.C. § 841(b)(1)(C); not more than a years of imprisonment, pursuant to Title 21, United States Code, Section 841(b)(1)(C); at least a that the Court may impose the following sentence on his plea: Count 2, not more than up to 20 2. HENRY BALANDRA understands, agrees and has had explained to him by counsel trafficking crime in violation of Title 18, United States Code, Section 924(c).
- and Count 3 of the indictment charging him with possession of a firearm in furtherance of a drug him with distribution of cocaine in violation of Title 21, United States Code, Section 841(a)(1); 1. HENRY BALANDRA agrees to plead guilty to Count 2 of the indictment charging BALANDRA.

The following in regard to the disposition of pending criminal charges against HENRY of Vermont (hereafter "the United States"), and the defendant, HENRY BALANDRA, agree to The United States of America, by and through the United States Attorney for the District

PLEA AGREEMENT

UNITED STATES OF AMERICA)
v.) Criminal No. 2:02-CR-34
HENRY BALANDRA)
Defendant)

FOR THE DISTRICT OF VERMONT
UNITED STATES DISTRICT COURT 10-31-02
U.S. DISTRICT COURT CLERK'S OFFICE
Case 2:02-cr-00034-wks Document 25 Filed 10/31/02 Page 1 of 10

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United States. HENRY BALANDRA understands that this agreement requires that his
any and all trials or other proceedings in the District of Vermont or elsewhere as requested by the
and truthfully before any grand jury within the District of Vermont or elsewhere and in
this cooperation. HENRY BALANDRA agrees he will testify under oath completely, candidly
investigators and/or attorneys when requested by the United States Attorney's Office to further
criminal activity or related matter. HENRY BALANDRA agrees that he will meet with
in his possession or under his care, custody or control relating directly or indirectly to any
investigators any and all documents, records, writings or tangible objects or materials of any kind
which he has knowledge. HENRY BALANDRA will provide all federal, state and local
possession relating directly or indirectly to any and all criminal activities or other matters of
truthfully with all federal, state and local investigators by providing any and all information in his
4. HENRY BALANDRA agrees that he will cooperate completely, candidly and
which he is charged.

defendant represents that he intends to plead guilty because he is, in fact, guilty of the crime with
under oath and in accordance with Rule 11 of the Federal Rules of Criminal Procedure. The
3. It is the understanding of the parties to this agreement that the plea will be entered
assessment. Full restitution may also be ordered.
\$250,000 fine, pursuant to Title 18, United States Code, Section 3571(b); and a \$100 special
three year period of supervised release, pursuant to 18 U.S.C. § 3583(b); not more than a
distribution charge, pursuant to Title 18, United States Code, Section 924(c); not more than a
imprisonment of 5 years consecutive to any term of imprisonment imposed on the cocaine
special assessment; Count 3, up to life imprisonment and a mandatory minimum term of

United States will have the right to prosecute HENRY BALANDRA for any other offenses he sentences, the United States' obligations under this plea agreement will be terminated, the BALANDRA understands and agrees that, if he fails to pay the special assessment in full prior to the tendered bank check is not honored for whatever reason, the defendant understands that he will still be liable for the amount of the special assessment which the Court imposes. HENRY will still be liable for the amount of the special assessment which the Court imposes.

the special assessment shall be promptly refunded to HENRY BALANDRA. In the event that the tendered check is not honored for any reason, the defendant understands that he agreement is for any reason terminated or the defendant's guilty plea is not accepted by the Court, at sentencing to the Clerk of the Court immediately after sentencing. In the event that this plea when sentenced. The United States agrees to safeguard and pay the special assessment imposed Court, in payment for the mandatory special assessment of \$100 for which he will be responsible cashier's check, certified check, or postal money order payable to the Clerk, United States District his providing the United States Attorney, at the time this agreement is executed, a bank cases in which he is cooperating without the prior authorization of the United States.

is not to have any contact with any defendant or potential defendant in this case or in the case of release, he will abide by all conditions of release. HENRY BALANDRA also understands that he that he refrain from committing any further crimes whether federal, state or local and that, if on 6. HENRY BALANDRA agrees and understands that it is a condition of this agreement required to provide information to the Government pursuant to this agreement.

incrimination and his Sixth Amendment right to the assistance of counsel whenever he is 5. HENRY BALANDRA agrees to waive his Fifth Amendment privilege against self-cooperation may continue even after the time that he has been sentenced by the Court.

of his release and further provided that no new information comes to the attention

Probation Office during the presentence investigation and abides by the conditions

Section 3E1.1, provided that he cooperates truthfully and completely with the

(f) recommend that he receive credit for acceptance of responsibility under Guideline

Court in imposing the sentence; and

imprisonment at the low end of the Sentencing Guidelines range applied by the

(e) recommend to the sentencing Court that he be sentenced to a term of

sufficiently extraordinary to rise to the level of substantial assistance;

United States, in its sole discretion, determines that his cooperation has been

to depart from the Sentencing Guidelines pursuant to Guideline § 5K1.1 if the

(d) subject to the provisions of paragraph 10 herein, make a motion to allow the Court

(c) make the nature and extent of his cooperation known to the Court;

distribution;

plea agreement committed by him in the District of Vermont relative to cocaine

known to the United States Attorney's Office as of the date of the signing of this

(b) not prosecute him in the District of Vermont for any other criminal offenses

(a) move to dismiss the remaining Counts of the indictment at the time of sentencing;

completely abides by all conditions of this agreement, the United States will:

8. The United States agrees that in the event that HENRY BALANDRA fully and

plea of guilty.

sentence. Under such circumstances, HENRY BALANDRA will have no right to withdraw his

may have committed, and will have the right to recommend the Court impose any lawful

- Procedure 11(e)(1)(C). The United States does not make any promises or representations as to agreement other than an agreement between the parties pursuant to Federal Rule of Criminal Court declines to follow any recommendation, motion or stipulation of the parties to this within the sole discretion of the Court. The defendant may not withdraw his plea because the 11. HENRY BALANDRA fully understands that the sentence to be imposed on him is there should be a two level reduction in the final offense level based on his cooperation BALANDRA further agree, pursuant to Federal Rule of Criminal Procedure 11(e)(1)(C), that Sentencing Guidelines to depart from the Guidelines range, the United States and HENRY 10. In the event that the United States moves the Court pursuant to Section 5K1.1 of the and agrees that, under such circumstances, he will have no right to withdraw his previously other offenses he may have committed in the District of Vermont. The defendant understands impose any sentence authorized by law and will have the right to prosecute the defendant for any agreement will be void and the United States will have the right to recommend that the Court misleading information to Probation, the United States obligations under paragraph 8 of this cooperate fully with the Probation Office, or has provided any intentionally false, incomplete or any offense after the date of this agreement, or violated any condition of release, or has failed to 9. If the United States determines, in its sole discretion, that the defendant has committed the charges in the indictment until the time of sentencing.

(g) Not oppose credit for time served in state custody from the date of arraignment on

for acceptance of responsibility.

of the United States Attorney's Office relative to the issue of his receiving credit

States will have the right to: (1) terminate this agreement and prosecute him for any and all state, local or federal offense or has failed to disclose any crimes he has committed; the United States will have the right to: (1) terminate this agreement and prosecute him for any and all potential witness pursuant to this agreement; or since the date of this agreement, committed any unauthorized contact with any potential defendant in this case or in cases in which he is a any perjury before a grand jury, before any trial court, or at any other proceeding; had any information pursuant to paragraph 4 of this agreement; made any false statements or committed false statement to investigators or attorneys of the United States or willfully failed to disclose States determines that he has failed to comply with any provision of this agreement; made any any one else) are erroneous, those erroneous predictions will not provide grounds for withdrawal of his plea of guilty, modification of his sentence, or for appellate or post-conviction relief; express acknowledgement that in the event that any estimates or predictions by his attorney (or relative to the Guidelines calculations are not binding upon the Court. Thus, the defendant 12. Further HENRY BALANDRA fully understands that any estimates or predictions in conflict with recommendations and stipulations of the parties. entered and to support an appeal any decisions of the sentencing Court whether in agreement or during the sentencing process, to oppose any motion to withdraw a plea of guilty previously States may take regarding sentencing (except as specifically provided elsewhere in this agreement). The United States also reserves the right to correct any misstatement of fact made present to the Court and the Probation Office relative to sentencing or the positions the United States may right to allocate at sentencing. There shall be no limit on the information the United States may what sentence HENRY BALANDRA will receive. The United States specifically reserves the

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and all offenses otherwise permissible. If the plea is withdrawn or vacated on motion of the may be voided at the option of the United States and the defendant may be prosecuted for any be accepted by the Court for whatever reason, or later be withdrawn or vacated, this agreement 13. It is further understood and agreed by the parties that should the defendant's plea not will not be subject to challenge in court or otherwise.

decisions of the United States with regard to these questions will be binding on the defendant and assistance to the Government) are questions within the sole discretion of the United States. The cooperated fully and completely (and the determination of whether he has provided substantial has abided by all the conditions of this agreement and the determination of whether he has

14. HENRY BALANDRA understands and agrees that the determination of whether he

or any other provision of law.

provided pursuant to this agreement into evidence under Federal Rule of Criminal Procedure 11 defendant waives his right to challenge the admissibility of this agreement and the information incriminating information referred to in paragraph 4 of this agreement, against him. The objects provided by him to the United States pursuant to this agreement, including self- any sworn or unsworn statements given by him and any information, materials, documents or against him at any trial, hearing or sentencing. He also understands that the Government may use any provision of this agreement, the United States will have the right to use the agreement itself Furthermore, HENRY BALANDRA fully understands that should he fail to fully comply with only its obligations under this agreement while retaining the defendant's guilty plea. (including reinstatement of any charges dismissed pursuant to this agreement), or (2) terminate offenses, including false statements and perjury, with which he could properly be charged

any kind, so that by pleading guilty he waives the right to a trial and the other rights enumerated self-incrimination; that if a plea of guilty is accepted by the Court, there will be no further trial of the right to confront and cross-examine adverse witnesses; that he has the right against compelled confession, that he has the right to be tried by a jury and at that trial a right to the assistance of counsel; that he has acknowledged that he has the right to plead not guilty or to persist in a plea of not guilty; that he acknowledges that he has the right to be tried by a jury and at that trial a right to the assistance of counsel; that he has acknowledged that he understands the nature of the charges to which the plea is offered. He also acknowledges that he understands to the charges in the Indictment, HENRY BALANDRA,

19. In voluntarily pleading guilty to the charges in the Indictment, HENRY BALANDRA, benefits, pursuant to federal law, including 21 U.S.C. § 862 and § 862(a).

18. HENRY BALANDRA is aware that his guilty plea may result in the loss of certain government benefits, including housing subsidies, food stamps, and some Social Security

move for an upward or downward departure from the otherwise applicable Guidelines sentencing range.

17. Nothing in this agreement shall be construed as limiting the right of either party to prosecute authority.

16. It is further understood that this agreement is limited to the Office of the United States Attorney for the District of Vermont and cannot bind other federal, state or local

trial guarantees of the Constitution, or any other constitutional or statutory provision, defense to the reprosecution of charges that he might have under the Speedy Trial Act, the speed of trial guarantees of the Constitution, or any other constitutional or statutory provision.

under the applicable statute of limitations. The defendant also expressly agrees to waive any disengaged in calculating whether the prosecution of any previously-dismissed charges is timely between the signing of this agreement and the withdrawal or vacatur of the plea shall be

defendant, the defendant herein expressly agrees that the entire period of time that elapses

20. HENRY BALANDRA expressly states that he makes this agreement of his own free will, with full knowledge and understanding of the agreement and with the advice and assistance of his counsel, David Watts, Esq. HENRY BALANDRA further states that his plea of guilty is not the result of any threats or of any promises beyond the provisions of this agreement. Furthermore, HENRY BALANDRA expressly states that he is fully satisfied with the representation provided to him by his attorney, David Watts, Esq., and has had full opportunity to consult with his attorney concerning this agreement, concerning the applicability and impact of the Sentencing Guidelines (including, but not limited to, the relevant conduct provisions of Guideline Section 1B1.3), and concerning the potential terms and conditions of supervised release.
21. NO agreements have been made by the parties or their counsel other than those contained herein.
22. It is agreed that a copy of this agreement shall be filed with the Court before the time of the defendant's change of plea.

10

By: *Henry Williams*
Deputy Clerk
District of Vermont
Clerk, U.S. District Court
JEFFREY S. EATON
Legal custody.
copy of the original document on file in my office, and in my
the foregoing document is a full, true and correct
that
August 29 2002
I hereby attest and certify on

Counsel for the Defendant
David Williams, Esq.
Wm. J. Williams

DATE
10/31/02

I have read, fully reviewed and explained this agreement to my client, HENRY BALANDRA,
and I hereby approve of it.

DEFENDANT
Henry Balandra

DATE

Assistant U.S. Attorney
THOMAS D. ANDERSON
United States Attorney
PETER W. HALL
UNITED STATES OF AMERICA
Peter W. Hall

By:

Dated at Burlington, in the District of Vermont, this 31 day of October 2002.

(21 U.S.C. § 841(a)(1), (b)(1)(B); 18 U.S.C. § 2)

or substance containing a detectable amount of cocaine base.

The Grand Jury further charges that the conspiracy involved 5 grams or more of a mixture cocaine base, a Schedule II controlled substance.

BALANDRA, did knowingly and intentionally possess with the intent to distribute a quantity of

On or about June 13, 2001, within the District of Vermont, the Defendant, HENRY

The Grand Jury Charges:

COUNT 1

INDICTMENT

HENRY BALANDRA

UNITED STATES OF AMERICA

Criminal No. 3:02-CR-34

BY DEPARTMENT CLERK

FOR THE DISTRICT OF VERMONT

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

a.

Case 2:02-cr-00034-wks Document 2 Filed 03/28/02 Page 1 of 4

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(21 U.S.C. § 841(a)(1); 18 U.S.C. § 2)

cocaine, a Schedule II controlled substance.

BALANDRA, did knowingly and intentionally possess with the intent to distribute a quantity of

On or about June 13, 2001, within the District of Vermont, the Defendant, **HENRY**

The Grand Jury further charges:

COUNT 2

(18 U.S.C. § 924(c)(1)(A); 21 U.S.C. § 841(a); 18 U.S.C. § 2)

On or about June 13, 2001, within the District of Vermont, the Defendant, **HENRY BALANDRA**, did knowingly possess firearms, to wit: a semiautomatic model "C" 9 mm pistol, manufactured by Hipoint, serial number P035445; and a semiautomatic model JS40 .40 caliber pistol, manufactured by Hipoint, serial number 109509, in furtherance of a drug trafficking crime, i.e., knowing and intentional possession of cocaine and cocaine base, Schedule II controlled substances, with the intent to distribute.

The Grand Jury further charges:

COUNT 3

DEPUTY CLERK
Kerry S. Eaton
Clerk, U.S. District Court
District of Vermont
Legal Custody
copy of the original on file in my office, and in
the foregoing document is a full, true and correct
copy of the original document in my office, and in
its entirety.
AUGUST 29 2001
I hereby attest and certify on
JEFREY S. EATON

Burlington, Vermont
United States Attorney
Peter W. Hall
March 28, 2002

CLS

~~FOR PERSON~~
~~A TRUE BILL~~

(18 U.S.C. § 922(g)(9))

number 109509.

(2) a semiautomatic model JS40 .40 caliber pistol, manufactured by Hipoint, serial

P035445; and

(1) a semiautomatic model "C" 9 mm pistol, manufactured by Hipoint, serial number

31, 2001, knowing and intentionally possessed, in or affecting commerce, firearms, to wit:

Domestic Assault, Misdemeanor, in Vermont District Court in Washington Circuit, on January

Defendant, having been previously convicted in a court of a crime of domestic assault, to wit,

In and around June 13, 2001, in the District of Vermont, **HENRY BALANDRA**, the

The Grand Jury further charges:

COUNT 4